



# RE NEWS



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## Re News Is Going Electronic in 2006!

Starting on June 1, 2006, *Re News* will look to the future and become a paperless newsletter!

*Re News* is the RR Program's quarterly publication that is sent to more than 2,500 subscribers. As of June 1 of next year, it will only be available as a self-subscribing, on-line publication. The RR Program made this change as a way to save money as well as natural resources, and to continue with the trend toward more paperless publications.

With this change, you will still be able to download and print copies of each newsletter. As of February 1, 2006, you can start signing up for the electronic version, and our subscribers will have five months to self-subscribe before the first electronic addition comes out in June (there will be one more "hard copy" issue in March).



### How To Sign Up

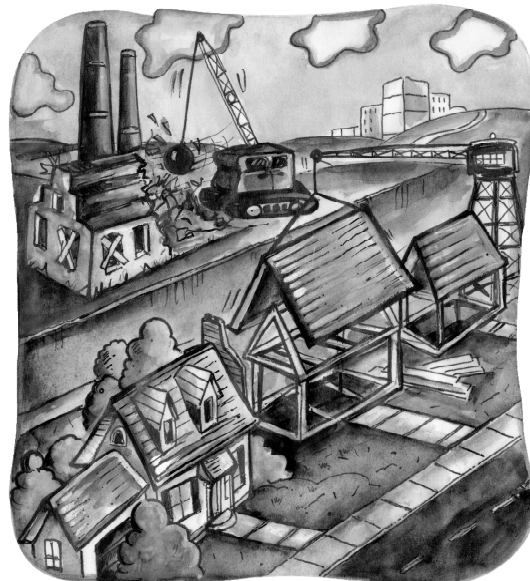
In order to sign-up, please go to the RR Program's "Publications" web page at the following link, click on the "Newsletters" heading and follow the sign-up instructions: [http://www.dnr.state.wi.us/org/aw/rr/archives/pub\\_index.html](http://www.dnr.state.wi.us/org/aw/rr/archives/pub_index.html).

If you cannot receive the newsletter electronically, have any trouble signing up to receive the newsletter, or have any other questions, please contact Andrew Savagian at 608-261-6422, or [andrew.savagian@dnr.state.wi.us](mailto:andrew.savagian@dnr.state.wi.us).

# Tackling Milwaukee's 30th Street Brownfields First Step To Governor's Urban Initiative

The five-mile corridor that makes up 30th Street on Milwaukee's north side was once home to manufacturing plants and industries employing thousands of workers. Today, most of those businesses are long gone and with them went the jobs. Many properties and buildings now stand vacant, some even contaminated. The blight and unemployment in the residential areas along 30th Street contribute to Milwaukee's spot among the top ten U.S. cities with concentrated urban poverty.

But if neighbors, local businesses and government officials have their way, 30th Street will become vibrant once again.



## Assessing The Future

As part of his Conserve Wisconsin plan and in recognition of the long-term effort needed to redevelop urban neighborhoods with a history of economic problems, Governor Jim Doyle last August announced his Urban Reinvestment Initiative, and the first place the governor will employ his strategy of raising the reinvestment potential in the state's most economically challenged neighborhoods is the 30th Street Corridor.

Governor Doyle tapped the Department of Natural Resources (DNR) as the lead agency in this joint effort, which includes the city of Milwaukee and the 30th Street Industrial Corridor Corporation (ICC), a non-profit group that works to support and attract new enterprises to the area.

The 30th Street Industrial Corridor is bounded by Congress Avenue on the north, Highland Boulevard on the south, 35th Street on the west and 27th Street on the east. According to the most recent census, the neighborhood unemployment rate is 19 percent, and at least 15 percent of housing units are vacant. Ninety-seven percent of residents are considered minority, with 34 percent living in poverty. With the long history of manufacturing and other industries, contamination is also a major issue in the Corridor.

As part of the governor's initiative, the DNR, city and the ICC obtained \$400,000 in brownfields grants from the U.S. Environmental Protection Agency (EPA). The funds will be used to assess properties for environmental contamination and, hopefully, jump start the cleanup and eventual redevelopment of key parcels in the corridor.

The \$400,000 is split into two separate funds – one for the assessment of sites with petroleum contamination (e.g. gas, diesel, fuel oil, etc.), and one for the assessment of sites with non-petroleum contamination – such as dry cleaning facilities, foundries or other manufacturing operations. In the next two years, the monies will fund Phase I Environmental Assessments for up to 20 properties, and sampling for contamination at 10 or more properties.

## First Steps

The first step in the Urban Reinvestment Initiative will involve identifying properties within the 30th Street Corridor where a site assessment would establish or rule out the presence of environmental contamination. Community members are being asked to help identify brownfield properties – meaning those places that may be neighborhood challenges or might be a good location for a new or expanding business.

Other selection factors include:

- the size of the property;
- whether the property is tax delinquent;
- the proximity of the property to expanding business(es);
- the type of environmental contamination;
- the ability of the city and DNR to have legal access to the property to conduct environmental testing; and
- whether the property meets EPA guidelines.



## TACKLING MILWAUKEE'S 30TH STREET BROWNFIELDS FIRST STEP TO GOVERNOR'S URBAN INITIATIVE (CON'T.)

Using feedback from the community, the three partners will select the final list of properties. Officials hope the final list will be prepared by the end of December, and expect assessment work completed within two years. The city and DNR will work together to secure additional funding for the cleanup and redevelopment of those properties that are found to be contaminated.

A second cooperative effort between the city and DNR involves spatially displaying information about the 30th Street Corridor in a geographic information system (GIS). This information will help with two project goals: (1) marketing properties for reinvestment; and (2) tracking improvements in the environmental, social and economic aspects of the Corridor over time.

Much of the information has already been collected, but is not available in one location. City data on tax delinquency, land value, green space and area businesses will be displayed, as will information from the DNR's contaminated land databases. Brownfields grant data from the Department of Commerce and other investment information will also be displayed, as will city and U.S. Census Bureau data on crime, population growth, poverty and employment.

### For More Information

The public can view this information through the Map Milwaukee site at: <http://gis.milwaukee.gov/website/mml/viewer.htm>. For more information about the 30th St. Corridor and the Urban Reinvestment Initiative, please contact Darsi Foss at 608-267-6713, or visit the DNR's Remediation and Redevelopment (RR) Program web page at: <http://dnr.wi.gov/org/aw/rr/rbrownfields/index.htm>.

## Federal Removals Program – What Is It?



Do you know of any abandoned properties in your community that may contain abandoned drums, vats of chemicals or contaminated soils, and do these sites provide an attractive nuisance for children or trespassers? If so, the EPA's Superfund Emergency Response Branch – a.k.a. EPA Removals – may be able to help your community.

The EPA Removals Program is part of Superfund, which was created by the U.S. Congress to pay for the cleanup of the country's worst toxic sites. Within the program, there are two types of response actions - emergency or non-emergency actions.

The EPA On-Scene Coordinators (OSC's) can respond to any release or potential release of a hazardous substance to the environment. These staff respond to incidents that include transportation accidents (e.g. automobiles, trucks, trains, boats airplanes); oil spills; chemical fires; abandoned facilities with drums or vats of chemicals; areas with numerous drums, lagoons, pits, contaminated soils, asbestos or lead paint released to the environment; and groundwater contamination in both private and municipal wells.

### How It Works

The DNR can request EPA assistance for situations that require greater expertise in emergency response and/or when the situation appears to be beyond DNR's financial capabilities. Department staff have been working in close partnership with the EPA Removals program since 1994, facilitating communication and coordination of clean-up activities in both emergency and non-emergency situations.

## FEDERAL REMOVALS PROGRAM – WHAT IS IT? (CON'T.)

Non-emergency situations are referred to EPA through the DNR's Federal Removals Coordinator (FRC). The sites are screened by the FRC to determine whether they meet the minimum requirements for EPA assistance, and, if appropriate, are forwarded to EPA for consideration. Non-emergency situations may include abandoned facilities with hazardous materials in vats, drums or pits, or potentially contaminated soils.

In addition to taking response actions themselves, EPA will also use their authority to locate responsible parties, work with them or bring enforcement action against them – i.e. legal action – to perform the removals.

### **Removal Successes – Watertown & Appleton**

Such was the case at the former Applied Molded Products (AMP) facility in Watertown, Wisconsin. The AMP manufactured plastic components utilizing compression molds. The manufacturing process utilized numerous hazardous materials, including resins, paints, coatings, solvents, lubricants and other chemicals. The facility shut down operations in 2001, selling off various assets and large equipment items.

The remaining chemicals and waste were left behind when the plant was vacated. The DNR became aware of the abandoned chemicals when the financial institution holding the mortgage had Phase 1 and 2 environmental assessments conducted as they prepared to foreclose on the property.

The financial institution and DNR were unsuccessful in having AMP remove the hazardous materials from the site, and the Department then requested EPA assistance. The federal involvement provided the incentive for AMP to remove all the chemicals from the facility and allowed the property to be available for resale by the financial institution and eventual reuse.

Another recent coordination effort between EPA and DNR occurred at Midwest Plating, a former plating facility located in a residential neighborhood in Appleton, Wisconsin. At DNR's request, EPA conducted a response action, which included sampling, removal of drums and vats of hazardous chemicals and waste, and removal of portions of the building's materials that were considered hazardous. The DNR provided additional funding to allow EPA to demolish the whole building and allow for the cleanup of soils under the building.

### **Local Government Reimbursement Available**

Not only is EPA available to help with response actions, they also have a reimbursement program for local governments. The Local Government Reimbursement Program (LGR) allows local officials to apply for reimbursement up to \$25,000 per incident when responding to the release or threat of release of hazardous substances. To qualify for reimbursement, officials need to provide proper documentation of costs and certification that the municipality does not have the money in their budget for these costs.

### **For More Information**

The RR program has a new fact sheet entitled *Federal Cleanup Assistance for Local Governments* (publication #RR- 746) and is available on the web at [http://www.dnr.state.wi.us/org/aw/rr/archives/pub\\_index.html](http://www.dnr.state.wi.us/org/aw/rr/archives/pub_index.html). The fact sheet provides additional information about EPA removals as well as the LGR program.

Please see the following *Re News* stories involving federal removals: Chapter II Restaurant (September, 2004 issue); Murray Machinery (September, 2002); and Northwestern Barrel (June, 1999). For more information or to submit a site for screenings, contact Amy Walden, DNR Federal Removals coordinator at 608-267-5063 or [amy.walden@dnr.state.wi.us](mailto:amy.walden@dnr.state.wi.us).

# Northeast RR Program Hosting Redevelopment Conference Spring, 2006

The RR Program's Northeast Regional (NER) staff will be hosting a brownfields redevelopment conference in Green Bay in the spring of 2006.

The objective of the conference will be to bring together local municipalities, consultants, developers, bankers, realtors and other interest groups to discuss remediation and redevelopment in northeast Wisconsin.

Conference highlights include:

- brownfields cleanup and redevelopment issues in small- to medium-sized communities;
- tours of redevelopment projects along the Fox River;
- local case study presentations; and
- exhibits featuring brownfields success stories in northeast Wisconsin.

More conference details, including date, location and registration information, will become available starting January 1. Please check the RR Program's web site calendar, "What's New" and listserve for future updates.



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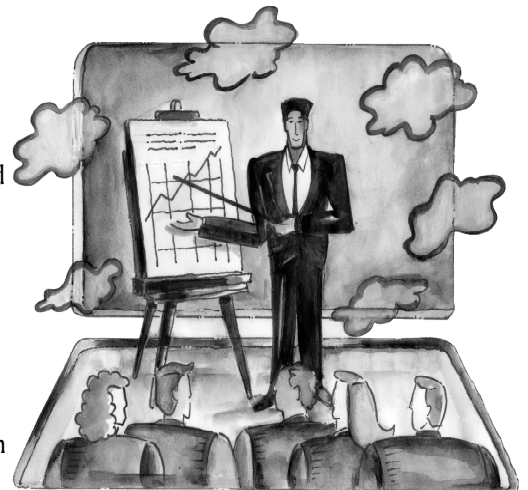
## PHASE I and II Training Available From DNR, ASTM

The DNR and the American Society for Testing and Materials (ASTM) are cooperating to present training sessions on Phase I and II Environmental Site Assessments (ESAs).

Staff from ASTM and the RR Program will hold two sessions for the following dates and locations (the first session was already held November 29-December 1 in Eau Claire):

- January 30-February 1, 2006 – Appleton; and
- February 6-8, 2006 – Milwaukee.

The three-day course includes ASTM instructors, who will provide how-to training, and RR staff, who will discuss how ESAs are used by the Department. Each three-day session costs \$895 per person.



The training will also cover standards and practices for conducting all appropriate inquiries (AAI), which EPA published as a final rule on November 1. The rule becomes effective November 1, 2006. Knowledge of the AAI standards will be useful to any parties who's work activities are funded by an EPA brownfield grant, or anyone who may potentially claim protection from Superfund liability as an innocent landowner, a bon fide prospective purchaser, or a contiguous property owner.

For more information, including a course description and agenda, please see the following links:

- brochure: [http://dnr.wi.gov/org/aw/rr/general/calendar/astm\\_wi\\_brochure.pdf](http://dnr.wi.gov/org/aw/rr/general/calendar/astm_wi_brochure.pdf); and
- registration form: [http://dnr.wi.gov/org/aw/rr/general/calendar/astm\\_wi\\_registration\\_form.pdf](http://dnr.wi.gov/org/aw/rr/general/calendar/astm_wi_registration_form.pdf).





## SUCCESS STORIES

### Former Milk Plant Becomes Centerpiece For Whitewater's Riverfront

Waterfront amenities will often make or break a city's economic prosperity. Lakeside promenades, parks, amphitheaters, shiny condos, quaint storefronts – all are crucial parts to driving a community's economy. Unfortunately, however, contaminated properties – i.e. brownfields – along a river or lake can throw a monkey wrench into even the best municipal redevelopment plans.

Whitewater is no exception. So named for its proximity to Whitewater Creek, this southeastern Wisconsin city is dealing with the same contamination problems along its shoreline that many riverfront communities face.

Case in point – the Hawthorn Melody facility. Built in 1913 as a milk processing facility, the plant borders Whitewater Creek and Tripp Lake very near the city's downtown business district. The facility closed in 1992 and left the city with a large, dilapidated building complex that was vulnerable to vandalism and served as one of Whitewater's biggest eyesores. In 1994, the EPA conducted a removal of oil, fuel and cleaning agents from large tanks located on the property, cleaned up a mercury spill and also removed small containers of oil and chemicals.

The DNR, through the Remediation and Redevelopment (RR) Program, conducted Phase I and Phase II Environmental Site Assessments in 1998. While low-level concentrations of volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAHs) were found in both the soil and groundwater, the assessments did not identify any additional, significant contamination or other public health concerns.

After the underground and above-ground storage tanks were removed, the site was ready for redevelopment. However, no party claimed the property until 2000, when Walworth County took ownership via tax delinquency and eventually sold the property to Whitewater city officials.

A local developer finally stepped in to purchase the property, and by 2004 had built 44 residential condominiums, including 12 single family, ranch-style units. With a city park and swimming beach nearby, the new housing provided an added attraction to the city's riverfront and substantially increased the earning potential for the city's tax base.



The Hawthorn Melody property in 1998. The site served as a milk processing facility from 1913 until 1992 (photos by Hank Kuehling, DNR).



New condominiums being completed on the former Hawthorn Melody site in 2004. This view also shows the riverwalk and retaining wall, which was constructed using part of the oldest Hawthorn Melody building (photo by Hank Kuehling, DNR).



# Does Your Community Need Help With Brownfields? Call Our Green Team!

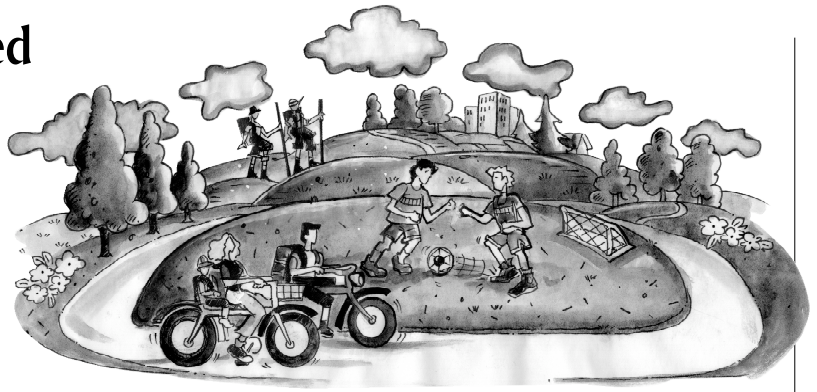
If you're looking for assistance with a brownfield project in your community, don't forget about the RR Program's Green Team meetings!

Through Green Team meetings, our staff offer help in understanding and overcoming some of the hurdles to investigating, cleaning up and redeveloping brownfields. We'll sit down with local officials and other state agency staff to talk about liability limitations and exemptions, and such financial assistance as brownfield site assessment grants and tax credits.

In the past six months, RR Program staff have held Green Team meetings with several communities around Wisconsin, including the:

- city of Kaukauna;
- city of Mauston;
- city of Mineral Point;
- town of Mineral Point;
- village of Pleasant Prairie;
- village of Turtle Lake;
- town of Westford;
- town of Willow; and
- town of Windsor.

If you would like to schedule a Green Team meeting involving one or several properties, please contact Laurie Egre at 608-267-7560, or [laurie.egre@dnr.state.wi.us](mailto:laurie.egre@dnr.state.wi.us).



## Taxes and Brownfields – April 15, 2006 Is Just Around The Corner!

Thinking about brownfields and state, federal and local taxes all at the same time may seem like a good recipe for a headache. However, there are some very good reasons –

financial reasons – to think about the tax breaks that may be associated with contaminated properties. As we approach the end of 2005, tax incentives related to a brownfield property you're involved in may be worth considering.

### Property Tax Options

Wisconsin provides two property tax relief options in order to encourage the cleanup and redevelopment of brownfields. Local governments may be willing to cancel delinquent taxes or reassign ownership of tax delinquent properties in order to help revitalize their blighted areas.

- **Tax Cancellation** – Counties or the city of Milwaukee can cancel all or a portion of unpaid property taxes on a contaminated property, thereby removing a stumbling block to redevelopment. The party requesting the tax cancellation must have a written agreement regarding cleanup of the contamination approved by the DNR. Local governments that have benefited from this option include Ashland County (for the communities of Mellen and Ashland); Green Lake County (Markesan); Manitowoc County (Maple Grove); Racine County (Racine); and Wood County (Wisconsin Rapids).

## TAXES AND BROWNFIELDS – APRIL 15, 2006 IS JUST AROUND THE CORNER! (CON'T.)

- *Tax Foreclosure Reassignment* – Counties or the city of Milwaukee can assign property foreclosure judgments to parties that are interested in taking title when the local government uses "in rem" foreclosure (i.e. foreclosure through the courts). This process removes the local government from the "chain of title," making local officials more willing to move brownfield cleanups along. The party requesting title to the property through assignment of the judgment must have a written agreement regarding cleanup of the contamination approved by the DNR. The city of Milwaukee has used this option, as have Oneida, Racine and Washington counties.

### Income Tax Options

*Federal Income Tax Deduction* – The federal brownfields tax incentive applies to remediation expenses incurred before December 31, 2005, unless the U.S. Congress extends it once again. It allows environmental expenses to be deducted in a single year rather than capitalized over a period of years. Wisconsin leads the nation in the number of taxpayers who have taken advantage of this deduction.

*Income Tax Credits* – Income tax credits are not deductions. Instead, they are dollar-for-dollar reductions to your tax bill, where each dollar of eligible expense is a dollar removed from your tax load. The following five tax credits may be applied to Wisconsin brownfields.

- New Market Tax Credits (federal) – These credits reduce federal income taxes through a relatively new program. The credits may be applied in low-income areas to help attract private capital investment. Credit to the investor totals 39 percent of the investment over seven years.
- Community Development Zones (state) – The state tax credits earned for job creation in these zones may be applied toward environmental expenses. Businesses may receive \$3,000-\$5,000 in tax credits for each job created.
- Enterprise Development Zones (state) – These zones are specific to a single business and may be approved by the Department of Commerce anywhere in Wisconsin. These state tax credits are earned entirely through environmental expenses related to soil and groundwater contamination.
- Agricultural Development Zones (state) – Agri-businesses located in or moving into one of these zones may receive state tax credits, and those credits are based on the wages and benefits attached to creation of new jobs. The credits may be applied toward environmental expenses, job creation and capital investment.
- Historic Preservation (state and federal) – These credits apply to both state and federal income taxes at designated properties.

### Environmental Remediation Tax Incremental Finance (ERTIF) Districts

A local government in Wisconsin may establish an Environmental Remediation Tax Incremental Finance (ER TIF) district in order to raise funds for environmental cleanup in areas targeted for redevelopment. Unlike other TIF districts, ER TIF districts are not included in the 12 percent limit on a local government's equalized value, and the base value of one of these districts may be \$0.

### Financial Resource Guide, Web Links Available

Watch for the new *Financial Resource Guide for Cleanup and Redevelopment* (publication #RR-539), a joint publication from the DNR and Department of Commerce. This newly updated edition will have more information about tax incentives as well as an overview of grants, reimbursements and loans that are available to help with the cleanup of contaminated properties.

The Guide will be available in the next month. For additional information on taxes and brownfields, please check the following state and federal web links:

- Property Tax Cancellation And Reassignment: [http://dnr.wi.gov/org/aw/rr/financial/del\\_taxes.html](http://dnr.wi.gov/org/aw/rr/financial/del_taxes.html);
- Environmental Remediation TIF: <http://www.dor.state.wi.us/forms/govtif/erbase.html>;
- Federal Income Tax Deduction: <http://dnr.wi.gov/org/aw/rr/financial>;
- New Market Tax Credits: <http://www.cdfifund.gov>;
- Community Development Zones: <http://commerce.wi.gov/CD/CD-bed-devz.html>;
- Enterprise Development Zones: <http://commerce.wi.gov/CD/CD-bed-ez.html>;
- Agricultural Development Zones: <http://commerce.wi.gov/CD/CD-bed-az-general.html>; and
- Historic Preservation: <http://www.wisconsinhistory.org/hp/buildings/>.

# An Insider's Look at the RR Web Site – Accomplishments, Success

This issue we will be exploring the RR Program's accomplishments and successes available on the Internet. In our experience with the cleanup and redevelopment of contaminated properties, it takes a collaborative effort to turn a blighted site into an asset that improves the property, the surrounding area and the environment. That's why the RR Program shares our successes with other state agencies and our other public and private partners.



## Accomplishments and Successes – [http://dnr.wi.gov/org/aw/rr/cleanup/rr\\_success.htm](http://dnr.wi.gov/org/aw/rr/cleanup/rr_success.htm)

This page is the “gateway” to displaying all our on-line successes. On this page you can find:

- *RR Annual Reports* – in an effort to save money and natural resources, we now only make these available via the Internet;
- *Program Achievements* – this page includes our Brownfields Site Assessment Grant (SAG) and Dry Cleaner Reimbursement Fund highlights, as well as other RR accomplishments;
- *EPA 128(a) grant reports* – this grant has helped RR focus on developing and enhancing several program areas; we publish this report bi-annually and it's a great tool to view all of the progress the program is making in cleaning up contaminated lands in Wisconsin;
- a link to our new Success Stories page (see more below); and
- a link to the DNR's Air & Waste Division success stories.

## Success Stories Page – <http://dnr.wi.gov/org/aw/rr/cleanup/ssstories.htm>

As a way to get success stories into the hands of our customers as quickly as possible and in an environmentally friendly way, we recently created two-page web success stories that are easy-to-read and printer friendly.

The great news is that we are continually adding new successes to this page – we're already have 20 stories – and soon hope to have more than sixty posted on the web! These successes are from around the state and deal with both rural and urban sites. Our hope is that those seeking examples for cleaning up a site in their community will be inspired by these excellent achievements.

## Overall Program Success

The different RR Program areas – state-funded response, voluntary cleanup, Superfund – also provide information on our many achievements. Here are some links to check out:

- *Voluntary Party Liability Exemption (VPLE)* – all sites that have received their certificates of completion are posted on this page, along with site data and before and after pictures (if available): [http://dnr.wi.gov/org/aw/rr/liability/purchasers\\_0.html#vple\\_sites](http://dnr.wi.gov/org/aw/rr/liability/purchasers_0.html#vple_sites);
- *Spills* – this page provides information on spills prevention and cleanup and highlights the Oshkosh train fire: <http://dnr.wi.gov/org/aw/rr/spills/index.htm#success>; and
- *State-funded Response* – this page highlights the benefits of state-funded cleanups as well as two sites in southern Wisconsin where state-funded dollars were used: <http://dnr.wi.gov/org/aw/rr/cleanup/statefunded.htm#State>.

## Want To Find Waste Disposal Sites On The Web?

The DNR's Waste Program has recently completed a searchable database that operates much like the RR Program's *BRRTS on the Web*. Titled SHWIMS on the Web – SHWIMS stands for “Solid and Hazardous Waste Information Management System” – the database includes licensed and unlicensed waste disposal sites, other solid waste processing facilities and a wide range of hazardous waste activities.

The Program's *BRRTS on the Web* will automatically show you entries in SHWIMS on the Web when these activities are at the same location. To view this information, click on the location name in *BRRTS on the Web* and check the “Other Activities At This Location” heading. To view SHWIMS on the Web, click on: <http://sotw.dnr.state.wi.us/sotw/Welcome.do>.

Remember, these pages are just a few of the web resources available to you. We will continue to do our best to provide you with the most current information. If you have any comments or suggestions for improving our web site, please contact the RR Program's Web Publisher Megan Clemens at 608-261-4391 or [megan.clemens@dnr.state.wi.us](mailto:megan.clemens@dnr.state.wi.us).

See you next issue!

# Hazardous Waste “Contained-out” Decisions and Soil Cleanups

The applicability of federal hazardous waste rules to the cleanup of contaminated soil and groundwater in Wisconsin has received considerable attention by DNR over the last five years. Several years ago, the DNR’s RR and Waste programs issued *Guidance for Hazardous Waste Remediation*, which provides information on the requirements and options available when dealing with the cleanup and redevelopment at sites that may be contaminated with hazardous waste (the guidance is available on the web at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR705.pdf>).



One of the most useful tools in the guidance is the concept of “contained-out”. Normally, EPA interprets its rules such that environmental media containing a regulated hazardous waste must be handled as a hazardous waste. However, the “contained-out” concept allows media contaminated with a hazardous waste or a commercial chemical product (such as perchlorethylene) to be managed as a solid waste, but only if the concentrations are below health based levels.

When DNR provided training on *Guidance for Hazardous Waste Remediation*, the informational materials included specific contained-out values for tri TCE, Perchlorethylene (PCE) and vinyl chloride. Since that time, however, EPA has revised its toxicity values for both TCE and PCE, and as a result those using EPA’s web calculator to derive a contained-out value for these two compounds will obtain results significantly lower than the numbers DNR provided. Because of this revision, for the last several months there have been a number of questions raised about the appropriate “contained-out” values for these compounds.

## Three Tiers

The EPA uses a three-tiered hierarchy for determining human health toxicity. Tier 1, the most rigorous process, uses the Integrated Risk Information System (IRIS) to evaluate human health effects from exposure to various compounds. The second tier is referred to as Provisional Peer Reviewed Toxicity Values (PPRTV’s), which was the method used by EPA to modify the toxicity values for TCE and PCE.

The DNR has some flexibility in determining how to make “contained-out” determinations, and therefore until further notice, the numbers provided in our training materials may still be used when making “contained-out” determinations for contaminated soil in Wisconsin.

Those concentration levels are as follows:

- TCE – 14 ppm;
- PCE – 33 ppm; and
- vinyl chloride – 0.87 ppm.

Continuing to use these values will yield a consistent statewide approach and reduce the time spent preparing and evaluating “contained-out” determinations for these contaminants. In addition, it will provide DNR staff time to further evaluate EPA’s three-tiered process for establishing toxicity values and determine how, if at all, the process affects our hazardous waste regulatory decisions. If the DNR needs to modify our Wisconsin “contained-out” values in the future, we will provide a follow-up announcement in our listserve, Re News, and the Internet.

The “contained-out” option addresses contamination from releases of hazardous wastes or commercial chemical products. However, contaminated media can also be considered a hazardous waste if it exhibits the characteristic of ignitability, reactivity, corrosivity, or toxicity. The characteristic most likely to apply to contaminated soil is toxicity, which is determined by the Toxicity Characteristic Leaching Procedure (TCLP) test. Please see s. NR 605.08, Wis. Adm. Code, for additional details.

If you have questions regarding this information, please contact Mark Gordon at 608-266-7278 or [mark.gordon@dnr.state.wi.us](mailto:mark.gordon@dnr.state.wi.us).



## New, Revised Publications



### Development At Historic Fill Sites Fact Sheet Updated

The updated fact sheet entitled *Development At Historic Fill Sites and Licensed Landfills: Guidance For Investigation* (publication #RR-684) is now available. The fact sheet provides a framework for anyone conducting waste and site characterizations for any proposed development on or near a solid waste facility. You can view the fact sheet at the following link: <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR684.pdf>.

### Spill Fact Sheet Revised

The fact sheet *DNR Staff Provide Spill Response and Support* (publication #RR-559) has been revised. The publication includes information on how agency staff respond to a release of a hazardous substance to the environment. You can access this fact sheet at the following link: <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR559.pdf>.

### Close Out Information For Institutional Controls and VPLE Insurance Updated

*Case Close Out and the Requirements for Institutional Controls and VPLE Insurance* (publication #RR-606) has been revised. The fact sheet provides information on requirements for institutional controls as conditions of closure under NR 726, Wis. Adm. Code, for environmental liability insurance under the RR Program's Voluntary Party Liability Exemption (VPLE) process, as well as information on the GIS Registry of Closed Remediation Sites. This fact sheet is available at the following link: <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR606.pdf>.

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## Staff Updates

### South Central Region

**Justin Shell** is the new brownfields outreach LTE for the RR Program's South Central Regional (SCR) office. Justin is a graduate student studying Urban and Regional Planning at the University of Wisconsin-Madison. He can be reached at 608-275-3222. Welcome Justin!

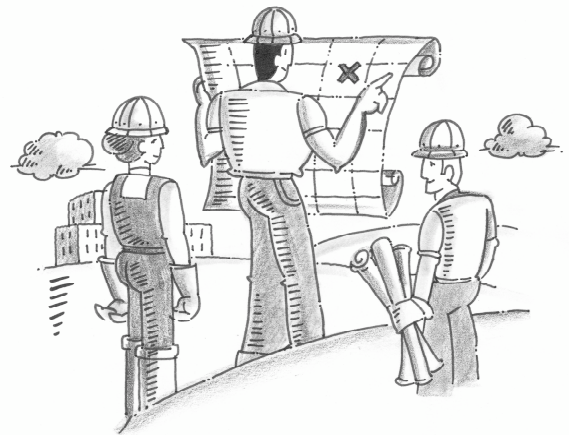
### Northeast Region

**Jason Moeller** is the new Spills Coordinator for the RR Program's Northeast Regional (NER) office. Jason has been with the DNR for 12 years, all in the NER. He started as a Water Supply Specialist in the Drinking & Groundwater Program, and most recently has been a Waste Management Specialist for the Waste Program, primarily dealing with hazardous waste generating facilities. He can be reached at 920-662-5492. Welcome Jason!

### West Central Region

**John Grump**, a DNR employee for the past 29 years, has recently retired. In addition to his other RR project management duties in the DNR's West Central Region (WCR), John was also the WCR Spill Coordinator since 1995. Good luck John – we'll miss you!

**Jack Eslien**, an RR Program project manager in the West Central Region for 16 years, has also retired. Jack worked at the DNR for 28 years, in the RR Program and as a surface water quality specialist. Good luck Jack – we'll miss you!



# RENEWNEWS

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